



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**NOTICE OF APPEAL  
FROM THE EXAMINER TO THE BOARD OF  
PATENT APPEALS AND INTERFERENCES**

ATTORNEY DOCKET NO.  
**11669.0266USU2**

U.S. APPLICATION SERIAL NO. **08/948,149** CONFIRMATION NO **6683**

FILING DATE **October 9, 1997**

INVENTOR(S)

**Brian M. Fendley, et al.**

EXAMINER

**Rodney P. Swartz**

GROUP ART UNIT

**1645**

TITLE OF APPLICATION

**AntiErbB2 ANTIBODIES**

**NOTICE OF APPEAL**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants hereby appeal from the to the Board of Patent Appeals and Interferences the decision of the examiner dated March 3, 2005.

a Request for extension of Time Under 37 C.F.R. 1.136(a) for \_\_\_\_\_ months has been filed.  
 a Request for extension of Time Under 37 C.F.R. 1.136(a) for three months is attached.  
 a timely response to the final rejection was filed on \_\_\_\_\_.  
 The applicant claims small entity status.

The fee for this Notice of Appeal is: \$500.00 (Large Entity).

Please charge Deposit Account No. 13-2725 in the amount of \$500.00 to cover any required fees. In the event any variance exists between this amount and the Patent office Charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 13-2725. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

September 2, 2005

Date

Respectfully submitted,

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